IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.17102 OF 2003

Between:

K.Hari Satyanarayana Rao and another.

.... PETITIONERS

AND

The Station House Officer,
P.S.Satyanarayana Puram,
Vijayawada, Krishna District.
And another.

....RESPONDENTS

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.17102 OF 2003

O R D E R

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Second respondent gave a complaint to the first respondent alleging that the first petitioner executed a gift deed in favour of the second petitioner in respect of a trust property, on the basis of a forged document brought into existence by the petitioners. The said complaint was registered as Crime No.332 of 2003. This petition is filed to quash the said First Information Report (FIR).

2. The contention of the learned counsel for the petitioners is that since the complaint prima facie does not disclose the necessary ingredients of Section 420 IPC, the FIR is liable to be quashed. The contention of the learned Government Pleader appearing for the first respondent and the learned counsel for the second respondent is that since the averments in the complaint prima facie disclose the ingredients for the offence alleged and this court cannot, in this petition decide whether the allegations in the complaint are true or not, there are no grounds to quash the complaint.

3. The principles for quashing of a complaint are laid down by the Supreme Court in a number of decisions. Recently in T.VENGAMA NAIDU V/s. T.DORA SWAMY[1], it is held that if the averments in the complaint prima facie disclose commission of offence, the same

cannot be quashed and the matter has to be investigated into by the Police.

4. The specific averment in the complaint is that both the petitioners brought into existence a forged sale deed and got it notarised and that the first petitioner in pursuance of the said notarized sale deed, executed a gift deed in favour of the second petitioner in respect of a property, which actually belongs to a trust. So, the question whether the sale deed is forged and if it is valid or not, and if the property covered by the sale deed and the consequent gift deed belongs to the Trust, have to be investigated into by the Police. So, question of quashing the FIR by considering the contentions of petitioner does not arise, because at this stage the merits of the case of the petitioners cannot be gone into.

5. Therefore, I find no merits in the writ petition and the same is dismissed with costs.

JUSTICE C.Y.SOMAYAJULU

11th SEPTEMBER, 2007

PGS

THE HONOURABLE SRI JUSTICE
C.Y.SOMAYAJULU

W.P.NO.17102 OF 2003

11th SEPTEMBER, 2007

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[1] 2007 AIR SCW 4266